

REMARKS

Applicants gratefully acknowledge the withdrawal of the finality of the previous Office Action, and that our submission filed on February 12, 2007 has been entered, pursuant to our Request for Continued Examination.

Claims 1, 2, 4-14, 16, and 17 are now pending in the application. Claims 1, 2, 4-14, 16, and 17 stand rejected. Claims 1-10 have been cancelled. Claims 11 and 17 have been amended to recite that a flat sheet metal layer is disposed in the curved, forming tool cavity and processed such that the flat sheet metal layer is formed into a curvilinear or curved shape. Support for the amendments can be found throughout the application in at least Paragraph [0019], the drawings, and the claims as originally filed. Accordingly, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 11-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seeliger et al. (U.S. Pat. No. 6,090,232) in view of Rashid et al. (U.S. Pat. No. 6,253,588). This rejection is respectfully traversed.

At the outset, Applicants point out that the claims as amended provide a flat sheet metal layer having a foaming precursor thereon, which is subsequently shaped and foamed in the curved forming tool cavity. To the contrary, Seeliger et al. discloses that the piece to be molded needs to be "semi-finished" and "**must already have its final contour**", since a further contouring by the foaming of the semi-finished molded product 7 into a component 1 no longer brings about any molding of this side 10." Column 3, lines 42-50, emphasis original. As such, Applicants submit that Seeliger et al. teaches away from Applicants' claimed invention as amended. Therefore Applicants submit that one skilled in the art would not look to combine Seeliger et al. with Rashid et al. to form the claimed invention.

Applicants further maintain that the addition of Rashid et al., directed to quick plastic forming, does not provide the parameters lacking in Seeliger et al. to provide Applicants' specific foaming and shaping of the materials to form the composite structure. Moreover, neither Rashid et al. nor Seeliger et al. provides direction or incentive to combine the teachings or to combine the teachings while eliminating the "must already have its final contour" mandate set by Seeliger et al. Applicants respectfully assert that an elimination of the Seeliger et al. mandate destroys the Seeliger et al. reference. Applicants further respectfully assert that to arrive at Applicants' claimed invention as amended upon combining Rashid et al. and Seeliger et al. and selectively omitting the mandate set by Seeliger et al., is only achieved using hindsight.

As the combination of Seeliger et al. and Rashid et al. does not teach or suggest Applicants' claimed invention as amended, and the application of hindsight is impermissible, the §103 rejection is improper. Reconsideration and removal of the claim objections are respectfully requested.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Seeliger et al. in view of Baumeister (U.S. Patent No. 5,151,246) and further in view of Rashid et al. This rejection is respectfully traversed.

The addition of Baumeister does not remedy the shortcomings of the combination of Seeliger et al. and Rashid et al. Baumeister merely details the materials and does not provide further guidance regarding taking a flat metal sheet, foaming precursors attached to the flat metal sheet layer, and shaping the flat metal sheet layer in a forming tool cavity such that the flat metal sheet layer assumes the curved dimensions of the forming tool cavity.

As the addition of Baumeister does not remedy the shortcomings of Seeliger et al. and Rashid et al., the §103 rejection is improper. Reconsideration and removal of the claim rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 4, 2007

By: 

Christopher A. Eusebi
Reg. No. 44,672

CORRESPONDENCE ADDRESS:

Kathryn A. Marra
General Motors Corporation
Legal Staff – Mail Code 482-C23-B21
PO Box 300 – 300 Renaissance Center
Detroit, MI 48265-3000
Ph: 313-665-4708
Fax: 313-665-4976

CAE/SDJ/tp